

Message Text

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ACTION NEA-16

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 NIC-01 AID-05 OMB-01 DRC-01 /125 W

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R 041345Z OCT 74

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC 7044

INFO USINT ALGIERS

AMEMBASSY PARIS

AMEMBASSY RABAT

AMEMBASSY TRIPOLI

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E.O. 11652: N/A

TAGS: PINT, TS

SUBJECT: BOURGUIBA THE ONLY PRESIDENTIAL CANDIDATE

REF: TUNIS 5754, 5678 (NOTAL)

1. SUMMARY: BOURGUIBA'A CANDIDACY FOR FOURTH PRESIDENTIAL TERM HAS BEEN CERTIFIED. CANDIDACY OF APPARENTLY QUALIFIED OPPONENT ZOUITEN HAS BEEN REFUSED ON GROUNDS NOT STATED. GOT PROBABLY WOULD SIMPLY NOT HAVE BOURGUIBA SPOTLIGHT SHARED. SINCE ZOUITEN WOULD HAVE HAD NO CHANCE OF EVEN RUNNING WELL, CONCERN AT WHAT IS BELIVED EXTRA-LEGAL EXCLUSION HIS CANDIDACY IS VERY LOW. END SUMMARY.

2. COMMITTEE CHARGED WITH APPROVING CANDIDACIES FOR PRESIDENT OF TUNISIA ANNOUNCED OCTOBER 1 IF FOUND BOURGUIBA'S CANDIDACY IN ORDER. IN CONNECTION THIS CERTIFICATION, GOT ANNOUNCEMENT DEFINITEVELY INTERPRETS CONSTITUTIONAL LIMITATION ON NUMBER OF TERMS OF OFFICE PERMITTED AS FOLLOWS: "...ACCORDING TO THE PRESENT TEXT OF THE CONSTITUTION THE PRESIDENT OF THE REPUBLIC
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IS RE-ELIGIBLE THREE CONSECUTIVE TIMES. IN FACO

PRESIDENT BOURGUIBA, WHO WAS ELECTED HEAD OF STATE 'DANS LES FORMES CONSTITUTIONNELLES' FOR THE FIRST TIME IN 1959, HAS BEEN REELECTED TWO TIMES, IN 1964 AND 1969." ELECTION, SCHEDULED NOVEMBER 2, WILL BE FOR NORMAL FIVE-YEAR TERM, BUT NEW NATIONAL ASSEMBLY TO BE ELECTED SAME DAY IS EXPECTED PRODUCE IN DUE COURSE A CONSTITUTIONAL AMENDMENT HAVING EFFECT OF CONVERTING TERM TO LIFE PRESIDENCE.

3. WITHOUT GIVING REASON COMMITTEE ANNOUNCEMENT WENT ON TO SAY IT HAD REJECTED CANDIDACY OF CHEDLI ZOUITEN (TUNIS 5678). ANNOUNCEMENT IS FIRST MENTION OF ZOUITEN IN LOCAL PRESS SINCE INITIAL DISPARAGING ARTICLES APPEARED SEPTEMBER 11. WE HAD LEARNED SINCE THAT ZOUITEN CAREFULLY FOLLOWED PROCEDURES FOR FILING, AND THAT HE BELIEVED HE COMPLIED WITH ALL REQUIREMENTS OF CONSTITUTION AND ELECTORAL CODE.

4. DEPT WILL RECALL (TUNIS 5754) THAT 9TH PARTY CONGRESS APPROVED AN UNEXPECTED RESOLUTION CALLING FOR REVISION OF ELECTORAL CODE TO "DEFINE AND CONDITIONS OF PRESIDENTIAL CANDIDACY". PARTY MAGAZINE "DIALOGUE" SEPTEMBER 16 CARRIED ARTICLE ON WORK OF POLITICAL COMMISSION AT PARTY CONGRESS DESCRIBING HIS RESOLUTION AS CALLING FOR "NEW CONDITIONS OF CANDIDACY, IN USE IN OTHER COUNTRIES, SO AS TO REQUIRE OF THE CANDIDATE SOLID REFERENCES REGARDING HIS HONESTY, SERIOUSNESS AND HIS REPRESENTATIVENESS. ONE CANNOT, IN EFFECT, BE PRESIDENT OF THE REPUBLIC JUST BY WISHING IT", ARTICLE CITES A MAJORITY OF THE COMMITTEE (WHICH CONSIDERS CANDIDACIES) AS BELIEVING THE PRESENT RULES ARE INSUFFICIENT IN THAT THEY LEAVE THE DOOR OPEN TO WHIMSICAL PEOPLE.

5. PARTY DAILY AL AMAL OCTOBER 3 EDITORIALIZES THAT TUNISIANS CANNOT IMAGINE A COMPETITOR TO BOURGUIBA, AND SAYS TUNISIA SHOULD NOT ALLOW THE CANDIDACY OF AN IRRESPONSIBLE MAN SEEKING ONLY FAME. EDITORIAL CALLS FOR AMENDING CONSTITUTION ACCORDINGLY.

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6. INDEPENDENT DAILY HTDDHAH OCTOBER 4 CLAIMS TO HAVE LEARNED THAT ZOUITEN'S REJECTION WAS NOT RPT NOT OWING TO ANY FAILURE MEET CONSTITUTIONAL AND LEGAL PREREQUISITES FOR CANDIDACY. IT ASSERTS REJECTION OCCURRED BECAUSE OF MORAL AND BEHAVIORAL CONSIDERATIONS AND THE FACT THAT ZOUITEN LACKED VARIOUS QUALIFICATIONS WHICH WOULD MAKE HIM CAPABLE OF OCCUPYING THE PRESIDENCY.

7. COMMENT: UNDER EXISTING LAW AND COMMITTEE DOES NOT HAVE DISCRETION BEYOND CERTIFYING WHETHER CANDIDATE HAS FILED PROPERLY, MEETS THE REGULATION, AGE AND NATIONALITY TESTS, AND IS A QUALIFIED VOTER HAVING FULL CIVIL RIGHTS. IF AS-SABHA IS CORRECT, COMMITTEE HAS ARBITRARILY EXCLUDED A TECHNICALLY QUALIFIED CANDIDATE. ALTHOUGH NO ONE IMAGINES ZOULICHEN WOULD HAVE DONE WELL EVEN IN ENTIRELY FREE AND OPEN ELECTION, THERE IS SOME FEELING HERE THAT HE WOULD HAVE BEEN BETTER ADVISED TO STICK WITH PRESENT LEGAL PROVISIONS AND TOLERATE HIS CANDIDACY. HOWEVER, IDEAS OF BOURGUIBA'S HAVING TO SHARE ELECTORAL SPOTLIGHT WITH ANYONE WAS APPARENTLY NOT ACCEPTABLE. THIS NOT UNEXPECTED, AND CONCERN IS VERY SLIGHT OVER ZOULICHEN'S DISQUALIFICATION, THOUGH "LIBERALS" WILL DOUBTLESS CITE CASE AS ANOTHER INSTANCE OF UNNECESSARY, UNWISE OVER-PROTECTION OF BOURGUIBA'S "UNIQUENESS".

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